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LEGAL DEPARTMENT

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10 Attorneys for Plaintiff  
 11 MARKEL AMERICAN INSURANCE COMPANY

12 UNITED STATES DISTRICT COURT  
 13 NORTHERN DISTRICT OF CALIFORNIA

14 MARKEL AMERICAN INSURANCE )  
 15 COMPANY, )

16 Plaintiff, )

17 vs. )

18 PACIFIC ASIAN ENTERPRISES, INC.; a )  
 19 California corporation; LEVITON )  
 20 MANUFACTURING CO., a Delaware )  
 21 corporation; HUBBELL INCORPORATED, a )  
 22 Connecticut corporation; and DOES 1-100, )  
 23 inclusive, )

24 Defendants. )

Case No.: C-07-05749 SC

**STIPULATION FOR DISMISSAL WITH  
 PREJUDICE, AND ORDER THEREON**

25 Plaintiff Markel American Insurance Company and Defendant Hubbell Incorporated, by  
 26 and through their attorneys of record, pursuant to FRCP Rule 41(a)(2), hereby stipulate that, and  
 27 request the court to order that, this action be dismissed, with prejudice, as against defendant  
 28 Hubbell Incorporated, with each party to bear its own costs, expenses, and attorneys' fees. This  
 dismissal with prejudice was precipitated by a joint expert inspection and investigation,  
 including destructive inspection and investigation, of the electrical components removed from

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1 the subject vessel, from which it appears that the subject fire was not caused by a defective GFCI  
2 duplex receptacle manufactured by Hubbell Incorporated.

3  
4 DATED: May 1, 2009

TARKINGTON, O'NEILL, BARRACK & CHONG  
A Professional Corporation

6  
7 By: Thomas C. Burch  
8 Thomas C. Burch  
9 Attorneys for Plaintiff  
MARKEL AMERICAN INSURANCE COMPANY

10 DATED: April 28, 2009

LATHAM & WATKINS LLP

12 By: Ernest Hahn  
13 Ernest Hahn  
14 Attorneys for Defendant  
HUBBELL INCORPORATED

15  
16 ORDER OF DISMISSAL WITH PREJUDICE

17 Pursuant to stipulation of the parties, and good cause appearing therefore, the Court  
18 hereby orders that this action is dismissed, with prejudice, as against defendant Hubbell  
19 Incorporated, with each party to bear its own costs, expenses and attorneys' fees.

20  
21 DATED: 5/1/09

